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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/759,231	01/20/2004	Gary M. Everingham	051481-5123

CONFIRMATION NO. 6454

## FORMALITIES LETTER



\*OC000000012412107\*

009629

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

Date Mailed: 04/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/01/2004 SZEWDIE1 00000002 500310 10759231

01 FC:1253

950.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$72 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$972 for a Large Entity

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- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

02 FC:1001	770.00 DA
03 FC:1202	72.00 DA
04 FC:1051	130.00 DA

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APR 23 2004

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- Total additional claim fee(s) for this application is **\$72**

- **\$72** for **4** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



ATTORNEY DOCKET No.: 051481-5123

Application No.: 10/759,231

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Gary M. EVERINGHAM, <i>et al.</i>	)	Confirmation No.: 6454
	)	
Application No.: 10/759,231	)	Group Art Unit: 3754
	)	
Filed: January 20, 2004	)	Examiner: Unassigned
	)	
For: EXHAUST GAS RECIRCULATION	)	<b>Mail Stop Missing Parts</b>
VALVE HAVING A ROTARY MOTOR	)	

U.S. Patent and Trademark Office  
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Customer Window, **Mail Stop Missing Parts**  
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Arlington, Virginia 22202

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed April 21, 2004.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

09/01/2004 SZEWDIE1 00000002 10759231

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## 4. Small Entity Status

- ☐ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

## 5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

**Extension of time fee due with this request:      \$ 950.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicants believe that no extension of time is required. However, in the event applicants have inadvertently overlooked the need for a petition and fee for extension of time, applicant hereby petitions for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

## 6. Assignment

- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

## 7. Fee Calculation

					Fee Code
Basic Fee				\$770.00	1001/2001
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)		
Total Claims	24 – 20 =	4	\$18/\$9 each=	\$ 72.00	1202/2202
Independent Claims	2 - 3 =	0	\$86/\$43 each=	\$ 0.00	1201/2201
Multiple dependent claim(s), if any			\$290/\$145	\$ 0.00	1203/2203
SUB-TOTAL =				\$842.00	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00	1051/2051
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))		\$110/\$55 (1 Month)			1251/2251
		\$420/\$210 (2 Months)			1252/2252
		\$950/\$475 (3 Months)			1253/2253
		\$1480/\$740 (4 Months)			1254/2254
		\$2010/\$1005 (5 Months)		\$950.00	1255/2255
SUB-TOTAL =				\$1,922.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$ 0.00	1053
Assignment Recordation Fee			\$ 40.00	\$ 0.00	8021
TOTAL FILING FEE =				\$1,922.00	

## 8. Fee Payment

- ☐ Enclosed is a check in the amount of \$\_\_\_\_\_ representing the total fee due.
- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

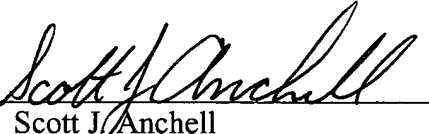
- ☐ Preliminary Amendment
- ☐ Submission of Replacement Drawings with \_\_\_ sheets of formal drawings
- ☐ Claim for Priority
- ☐ Certified copy(ies) of priority document(s):
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_ references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment  
pertaining thereto for biotechnology invention containing nucleotide and/or amino acid  
sequence.
- ☐ Other:

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: August 30, 2004

By:



Scott J. Anchell  
Reg. No. 35,035

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